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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/07/2006

Masato Asai

Q96857

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23373 7590 06/12/2009
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EXAMINER

MILLER, MICHAEL G

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

06/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. Examiner notes the amendment filed 01 JUN 2009. The amendment introduces no new matter and is therefore accepted. The amendment will not be entered as a matter of right after final, as the amendment would raise new matters for search and consideration (the addition of a refractive index and a specific composition to Claim 1 would change the scope of every claim in the case) and is not deemed to place the case in better form for appeal (it does not materially reduce or simplify the matters for appeal).

Response to Arguments

2. Applicant's arguments filed 01 JUN 2009 have been fully considered but they are not persuasive.

3. Applicant's first argument is that it is not possible to form the low-refractive-index layer of '438 with the same materials as the hard coat layer of '438. Examiner respectfully disagrees; as cited by Applicant, '438 teaches that the method of formation of both layers can be the same. For the method of formation of both layers to be the same, the materials used must be the same (else the same method is not being followed). If the materials are the same and the steps of using the materials are the same, the end result must be the same.

4. Applicant's second argument is that the prior art does not disclose the claimed optical index. This argument relies on the amendment being entered and as such is moot.

5. Applicant's third argument is that the prior art does not recognize the relationship between the organic solvent and the solids content and thus cannot render the present invention obvious. Examiner respectfully disagrees. "[T]he discovery of a previously unappreciated property of a prior art composition, or of a scientific explanation for the prior art's functioning, does not render the old composition patentably new to the discoverer." *Atlas Powder Co. v. Ireco Inc.*, 190 F.3d 1342, 1347, 51 USPQ2d 1943, 1947 (Fed. Cir. 1999). If the prior art teaches a method which obtains the desired results, merely quantifying how the result is made possible does not render the method newly patentable.

6. Examiner maintains all grounds of rejection made in the previous Office Action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL G. MILLER whose telephone number is (571)270-1861. The examiner can normally be reached on M-F 7-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Cleveland can be reached on (571) 272-1418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1792

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael G. Miller/
Examiner, Art Unit 1792

/Timothy H Meeks/
Supervisory Patent Examiner, Art Unit 1792